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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,650	12/15/2000	Eric Cohen-Solal	US000395	1565

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,650

Applicant(s)

COHEN-SOLAL, ERIC

Examiner

BRIAN P. YENKE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on PreAppeal Conference Request(01 Mar 06).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Based upon Applicant's PreAppeal Conference Request and upon further review/consideration the examiner has withdrawn the previous rejection, however since the applicant's claims were amended (06 Oct 04) from their original presentation, the examiner is now providing a new Final Rejection as stated below, any inconvenience caused to the applicant is regretted. In the event the applicant desires to discuss the merits of the rejection and to advance prosecution the examiner invites the applicant to contact the examiner. The applicant stated that the applicant's admitted prior art (AAPA) disclosed changing a PIP characteristic (i.e. reposition) in response to detected motion. The examiner rejected the claims based upon AAPA detected motion where motion is present when color change (discontinuous) is present. However, since the applicant argued that this color change relationship with motion is not disclosed in AAPA, the examiner has incorporated such conventional teachings/detections as shown below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2a. Claims 1, 3-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Shin et al., US 6,396,543.

In considering claims 1, 7-8 and 11,

a) the claimed a display... is met by AAPA (page 1, line 14 to page 3 line 6), where the AAPA states that prior art systems receive two streams and display a PIP on a primary image.

b-d) the claimed a processor... is met by AAPA where prior art systems automatically reposition the PIP in response to detected motion between one from of the video image and the next frame (page 2, line 18-21).

AAPA does disclose the changing of a PIP display characteristic of an image to include the position of the PIP on the display and the display size of the PIP as disclosed by AAPA (pages 1-3).

Although AAPA does not explicitly recite that motion detection is performed by determining whether the color is continuous/discontinuous, the concept of identifying/detecting motion of an image by analyzing/detecting the brightness/color change of an image is notoriously well known in the art as disclosed by Shin (col 2, line 4-22) since the brightness change/or not of pixels between frames/fields indicates the extent of motion within the image.

Therefore, since prior art systems reposition the PIP in response to detected motion, the limitation of a continuous color portion being detected would have been an obvious modification to one of ordinary skill in the art, since the discontinuity of a color (brightness, contrast) portion is what determines the extent of the motion if any within the image.

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The motivation for using such information with AAPA, would be to reposition/resize the PIP based upon the extent of motion within the image, which is determined by the brightness/color information.

In considering claim 3,

As stated above, the AAPA/Shin combination moves the PIP based upon motion (discontinuous color portion), thus the PIP would be moved in the non-motion (continuous color portion).

In considering claims 4-5,

The AAPA/Shin combination does not explicitly recite the position of the PIP with respect to a person. However, the examiner takes OFFICIAL NOTICE that the manipulation of an image/display by not obscuring the face/person of an image is conventional in the art, since viewers are typically concerned with the people in the video as opposed to the background objects.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA/Shin which discloses the manipulation of a PIP image based upon motion (continuous or non-continuous color) in order to resize or move the image in order to provide the viewer an optimum display, by recognizing that the movement/resizing should not obscure the person/face of the display since this would obscure the viewing experience for the user.

In considering claim 6,

The claimed behavior given the broadest interpretation is met by the detection of motion (behavior present or not of the frame, which is indicated by a color/pixel value change).

In considering claim 10,

As stated above with respect to claim 1, AAPA/Shin discloses the size or position of the PIP in order to enhance the viewing experience of a PIP display for the user.

Thus it would have been clearly obvious to also provide the user the added benefits of both capabilities of size/position in order to clearly enable the viewer to see a PIP display which does not obscure any relevant areas of the display.

2b. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Shin et al., US 6,396,543 and Rainville US 2002/0069411.

In considering claim 9,

The combination of AAPA/Shin does not specifically address the transparency of the PIP.

AAPA/Shin does disclose the changing of a PIP display characteristic of an image to include the position of the PIP on the display and the display size of the PIP as disclosed by AAPA (pages 1-3).

Although, the changing of the transparency of the PIP is conventional in the art, the examiner nonetheless incorporates Rainville et al., US 2002/0069411. Rainville discloses a system which renders the PIP image transparent in order to view the background image behind the PIP image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA/Shin, which changes the position and/or size of the PIP based on the

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main picture signal, in order to provide the viewer an optimum display of one or more signals, by also rendering the PIP transparent as done by Rainville in to provide the user the ability to see the entire background image when the changing of position and/or size of the PIP does not adequately display the main picture signal.

Conclusion

3. Applicant's amendment (dated 06 Oct 04) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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(TDD) 703-305-7785


An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

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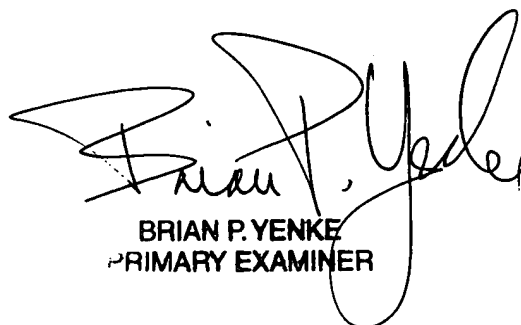
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PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y.
02 May 2006



BRIAN P. YENKE
PRIMARY EXAMINER